

In the Matter of
Remotec, Inc.

Request for Waiver of Section 15.247 of the
Commission's Rules

Released: March 18, 2010

1. By this action, we are granting the Request for Waiver filed on January 15, 2010, by Remotec, Inc. (Remotec), a subsidiary of Northrop Grumman Corporation, to permit the certification and marketing of the its EyeDrive transmitter. A waiver for the manufacture and marketing of a previous version of EyeDrive, known as Eyeball R1, was previously granted to Remington Arms Company, Inc. (Remington), Law Enforcement Technologies Division,¹ and then extended to its successor in interest, ODF Optronics Ltd. (ODF).² Remotec states that ODF has granted to it the exclusive rights to manufacture and distribute the EyeDrive revision of the Eyeball R1 in the United States. Remotec indicates that it intends to submit an application for approval of the new version of the EyeDrive device to the Commission, pursuant to the certification, marketing and use conditions which were included with the original waiver.³

2. Specifically, Remotec requests that we continue to waive Section 15.247 of our regulations (47 C.F.R. § 15.247) which requires the use of digital modulation techniques and limits the power spectral density for digital modulated systems operating in the 2400-2483.5 MHz band.⁴ We find that a grant of this waiver would allow the marketing of devices that would provide law enforcement agencies with new technology for investigating hostile situations without endangering police personnel. We will continue to limit the marketing of these devices to law enforcement agencies to reduce the potential for interference from EyeDrive transmitters to other unlicensed devices operating in the 2400-2483.5 MHz band.

3. The Eyeball R1 is a video and audio imaging device intended for use by law enforcement entities to conduct video and audio surveillance in locations that otherwise could not be observed directly. It is designed to be placed into small, hazardous or confined areas, such as buildings, caves, tunnels and alleys, to gather surveillance information necessary for law enforcement operations. Approximately the size of a baseball, this device can be thrown, rolled or lowered to a remote location from a place of safety, reducing the risk of injury or loss of life in counter-terrorism and law enforcement operations in urban terrain applications as well as in police activities requiring observation and surveillance. The EyeDrive revision 2 will be an updated variation of that device with the same functions and purposes.

¹ *Order* in ET Docket No. 05-183 (Remington Arms Company), 20 FCC Rcd 18724 (2005).

² *Order* in re Optronics, Ltd. 23 FCC Rcd 6823, Office of Engineering and Technology, 2008.

³ Any modifications to the Eyeball R1 that are made for the EyeDrive will be required to comply variously with the Commission's rules and with the parameters already specified in the subject waiver.

⁴ In its letter, Remotec also asks for a waiver of § 15.245 of the rules, 47 C.F.R. § 15.245. A waiver of § 15.245 was not granted for Eyeball device nor is one needed.

4. The technical parameters and bases for the original grant of a waiver to Remington are well explained in the Order granting that waiver.⁵ We have no reason to reexamine the findings in that Order. We do note that in support of our expectation that there was negligible risk of interference, since the granting of original waiver to Remington, the commission has not received any report of harmful interference caused by the deployment of Eyeball R1.

5. In granting the waiver to Remington and later to ODF for the Eyeball R1, the Commission observed that the public interest would be served in that law enforcement would have access to a potentially lifesaving device which will benefit not only public safety officials but also members of the public. We continue to believe this to be the case and, as indicated above, that the restrictions on marketing of the Eyeball R1 to law enforcement agencies and use of the devices to emergencies involving safety-of-life and to training purposes should also apply to the EyeDrive device.

6. Accordingly, IT IS ORDERED that the Request for Waiver filed by Remotec, Inc. IS GRANTED, pursuant to Sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§154(i), 302, 303(e), and 303(r) and Sections 0.31 and 0.241 of the Commission's rules (47 C.F.R. §§ 0.31, 0.241), subject to the following conditions:

- The EyeDrive transmitters shall be certified by the Commission, demonstrating compliance with the technical standards applicable to operation under 47 C.F.R. § 15.247. However, compliance need not be demonstrated with the requirement in 47 C.F.R. § 15.247 to employ digital modulation or with the power spectral density limit in 47 C.F.R. § 15.247(e).
- The EyeDrive transmitters shall be marketed by Remotec only directly to law enforcement organizations that are eligible for licensing under the provisions of Section 90.20 of our regulations.⁶ Any offer for sale or lease of the device must include the following statement: "This device has been authorized by the Federal Communications Commission for sale only directly to law enforcement organizations that are eligible for licensing under the provisions of Section 90.20 of the Commission's rules. This device has not been authorized and may not be offered for sale or lease, or sold or leased, to any other entities."
- The EyeDrive transmitters shall be used only by law enforcement agencies for emergencies involving safety-of-life and for training purposes. The transmitters shall not be used for permanent or fixed operations. These operating restrictions shall be clearly and conspicuously noted by Remotec in all instructions and training materials included or otherwise made available with its EyeDrive transmitters. Such instructions and training materials shall also contain a clear and conspicuous warning that failure to comply with these operating restrictions could result in harmful interference to other spectrum users.

⁵ See n. 1, *supra*.

⁶ The equipment may, however, be marketed under the statutory exceptions listed in 47 C.F.R. § 2.807, *e.g.*, radio frequency devices for use by the Government of the United States or any agency thereof.

- This waiver shall apply only to the Remotec EyeDrive; however, the waiver shall also apply to any subsequent models that have the same emission characteristics, *i.e.*, analog modulation, transmitter power, bandwidth, etc.

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp, Chief
Office of Engineering and Technology